

## **Remarks/Arguments**

Claims 1-41 and 74-83 are pending in this application.

### **DRAWINGS**

New Figures 7a, 7b, 7c and 9 are submitted herewith to address the Examiner's concerns.

### **CLAIM OBJECTIONS**

The claims have been amended to address the Examiner's concerns regarding objected claims.

### **CLAIM REJECTIONS UNDER 35 USC 112**

Claims 3 and 76 have been amended to comply with the enablement requirement.

### **DOUBLE PATENTING**

Claim 36 has been amended to overcome the double patenting objection based on claim 32. A terminal disclaimer to US patent application no. 10/635,918 is included herewith to obviate the double patenting rejection of claim 74.

### **CLAIM REJECTIONS UNDER 35 USC 102**

With regard to claims 1-2, 4, 6, 11-12, 18-19, 21-22, 24, 26-27, and 29, claim 1 has been amended and is now allowable over Matama, because Matama does not disclose all of the elements of amended claim 1. Specifically, Matama does not disclose to analyze meta-data information including aperture, f-stop, color transformation, CCD size nor depth or field. Support for aperture is found at Applicants' Figure 1 at reference numeral 114, and for f-stop at Figure 2 at reference 212, and for CCD response curve and color transformation at Figure 4,

reference 416, and for CCD size and depth of field at Figure 4, reference 414. Claims 2, 4, 6, 11-12, 18-19, 21-22, 24, 26-27 and 29 are also allowable as being dependent from amended claim 1.

With regard to claims 74-75, 78, 80 and 82, it is respectfully submitted that Matama is not prior art. Each of claims 74-75, 78 and 80-82 is supported by priority US patent no. 6,407,777, which was filed October 9, 1997 before the earliest effective US filing date of Matama. Claims 74-75 find support in the '777 patent at Figures 8 and 9 and col. 4, line 57-col. 5, line 51. Claim 78 finds support in the '777 patent at Figure 1 and col. 2, lines 21-60. Claim 80 finds support at Figure 9 and col. 5, lines 40-51. Claim 82 finds support at Figure 1 and col. 2, lines 54-55.

In addition, claim 79 finds support in the '777 patent at col. 2, lines 55-60. Claim 76 also finds support in the '777 patent at Figures 8 and 9 and col. 4, line 57-col. 5, line 51. Therefore, each of 74-76, 78-80 and 82 is now allowable, because Matama is not prior art to any of these claims.

With regard to claims 31-34 and 36-41, claim 31 has been amended and is now allowable over Silverbrook (US Pub. No. 2004/0032526) because Silverbrook does not disclose all of the elements of amended claim 31. Specifically, Silverbrook does not disclose analyzing meta-data information including image acquisition device-specific information including a spectral response curve of a sensor of an acquisition device with which the image was acquired. Instead, paragraph [0026] of Silverbrook refers to "the spectral nature of the flashlight". It is submitted that information regarding flashlight is not considered image acquisition device-specific information. The spectral nature of the flashlight is also an entirely different thing from a spectral response curve of a light sensor. Whatever light may be incident upon the subject of a photo may affect how the color of the subject appears to the camera. The color of the light being captured by a sensor of an image acquisition device may be interpreted by the camera as differing from what that light actually includes, due to the spectral response curve of the sensor, unless that spectral response curve of the sensor is taken into consideration. This advantageous feature recited at Applicants' claim 31 is nowhere disclosed by Silverbrook, including paragraph

[0026] which only refers to the spectral nature of flashlight rather than a spectral response curve of a sensor. Claims 32-34 and 36-41 are allowable as being dependent upon amended claim 31.

#### CLAIM REJECTIONS UNDER 35 USC 103

Claims 5, 7-10, 13-17, 20, 23, 25, 28 and 30 are allowable as being based upon amended claim 1, for the reasons set forth above, and because no combination of Matama et al. and Velasquez et al. (US Pub. No. 2003/0161506) teaches or suggests the limitations of amended claim 1.

In addition, with specific regard to claim 23, it is submitted that Velasquez et al. do not disclose to use aperture as meta-data, and instead only discloses to use meta-data to calculate aperture. With specific regard to claim 28, it is submitted the Velasquez et al. also do not disclose to use sensor size as meta-data. Velasquez et al. discuss sensor resolution and face size, but sensor resolution and sensor size are two different things, and Velasquez et al. nowhere discloses to use sensor size as meta-data.

Claim 35 is allowable as being based upon amended claim 31, for the reasons set forth above, and because no combination of Silverbrook and Matama et al. teaches or suggests the limitations of amended claim 31.

In view of the above, it is respectfully submitted that the application is now in condition for allowance. The Examiner's reconsideration and further examination are requested.

In view of the foregoing, Applicants respectfully submit that all pending claims are allowable, and request the Examiner's early examination of the pending claims in the present application. If the Examiner deems a telephonic discussion would be helpful in the examination of the pending claims, Applicants invite the Examiner to contact the Applicants' representative at (510) 652-6418, x86.

The Commissioner is authorized to charge any deficiencies in fees and credit any overpayment of fees to Deposit Account No. 50-2019. A duplicate page is enclosed.

Respectfully submitted,  
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Dated: October 2, 2007

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In view of the foregoing, Applicants respectfully submit that all pending claims are allowable, and request the Examiner's early examination of the pending claims in the present application. If the Examiner deems a telephonic discussion would be helpful in the examination of the pending claims, Applicants invite the Examiner to contact the Applicants' representative at (510) 652-6418, x86.

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